

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ERVIN VARNER,

Plaintiff,

VS.

OFFICER BOUYER and THE BIRMINGHAM
POLICE DEPARTMENT,

Defendants.

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2:08-CV-1427-IPJ-PWG

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 5, 2009, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 30th day of November 2009.

Chas. Pratt Johnson

INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE

